

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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DAEMONTE SIMS,

Plaintiff,  
v.

UNITED STATES OF AMERICA,  
U.S. DEPARTMENT OF JUSTICE  
and FEDERAL BUREAU OF PRISONS,

Defendants.

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ORDER

Case No. 24-cv-909-jdp

On August 27, 2024, plaintiff Daemonte Sims, a prisoner in the custody of the Trumbull Correctional Center, submitted a proposed civil action under 42 U.S.C. § 1983 that was originally filed in U.S. District Court for the Northern District of Illinois Case No. 24-cv-8293. On August 27, plaintiff also filed a certified copy of a trust fund account statement and a motion for leave to proceed without prepaying the filing fee. On December 23, 2024, this case was transferred to the U.S. District Court for the Western District of Wisconsin. After considering plaintiff's motion and supporting documentation, I conclude that plaintiff qualifies for indigent status.

Even when a prisoner litigant qualifies for indigent status, the litigant must pay a portion of the filing fee pursuant to 28 U.S.C. § 1915(b)(1). Using information from the plaintiff's trust fund account statement for the six-month period preceding the complaint, I have calculated the initial partial payment to be \$64.53. For this case to proceed, plaintiff must submit this amount on or before January 23, 2025.

ORDER

IT IS ORDERED that:

1. Plaintiff Daemonte Sims is assessed an initial partial payment of \$64.53. Plaintiff must submit a check or money order payable to the clerk of court by January 23, 2025 or advise the court in writing why plaintiff is not able to make the initial partial payment.

2. No further action will be taken in this case until the clerk's office receives the initial partial payment as directed above and the court has screened the complaint as required by the Prison Litigation Reform Act, 28 U.S.C. § 1915(e)(2). Once the screening process is complete, the court will issue a separate order.

3. If plaintiff fails to make the initial partial payment by January 23, 2025, or fails to show cause why the payment could not be made, then I will assume that plaintiff wishes to withdraw this action voluntarily. In that event, the case will be dismissed without prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(i). If plaintiff submits the initial partial payment within 30 days of dismissal, the case will be reopened. The court will not reopen the case after 30 days unless plaintiff makes a showing that they are entitled to relief under Federal Rule of Civil Procedure 60(b).

Entered this 26th day of December, 2024.

BY THE COURT:

/s/  
ANDREW R. WISEMAN  
United States Magistrate Judge